

Document Page 1 of 3
**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

IN RE:

WENDY F ROYER

Debtor

CHAPTER 13

CASE NO. 23-60719

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS,
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 7/20/23 and (iii) moves to dismiss this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

August 24, 2023 at 9:30 a.m.

Parties should contact Judge Connelly's courtroom deputies at
VAWBml_Connelly_Scheduling@vawb.uscourts.gov
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

Documents - Assets

- Please provide the following: 1) contract with Robert Princiotta and all associated documents regarding the sale of his asset through Halesford Harbor Marine and RV, LLC; 2) the final closing disclosure from the sale of 12227 Moneta Road detailing the transaction and the proceeds received by Debtor and documents, including bank records, showing how the proceeds were spent; 3) a copy of the deeds for all real estate purchased within the last year by Christopher C Newton and proof of the source of funds for the purchases; and 4) a copy of all contracts, leases, agreements, financing statements, or other legal documents memorializing the relationship between Debtor or an entity in which Debtor has an interest and Yesh Khanna and/or Teresa Khanna.

Documents - Income

- Proof of self-employment income, including current business balance sheet, six months of operating statements, and six months of bank statements from all financial accounts, both personal and business.
- Bank and financial statements from all personal and business accounts for the period of: November 1, 2022 through July 6, 2023.

Documents - Other

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

Pleadings

- Submit a wage order or establish automatic and recurring TFS account for plan payments.
- File with the Court an order waiving the statute of limitations, endorsed by the Debtor(s) and the transferee, for the: real estate located at 12227 Moneta Road.

- Amend Schedule C: The Trustee objects to the following claims of exemption: Va. Code Ann. § 34-26(7) for inventory of the business valued at \$2,356.17.
 - Amend Schedule G: add business lease and all contracts and/or leases guaranteed by Debtor.
 - Amend the Statement of Financial Affairs: to disclose the sale of 12227 Moneta Road in November of 2021 for \$450,000.
 - Amend Form 122C-1 and 122C-2: to add VRS income and disclose business income with reductions only for business expenses.
2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:
- Objections**
- The Trustee objects to the attorney's fees of \$7,500 without supporting contemporaneous time records.
 - The Plan does not meet the Chapter 7 liquidation test pursuant to 11 U.S.C. Section 1325(a)(4). Trustee shall review documents from the transfer of real estate and any other assets to determine the Chapter 7 test figure.
 - The Debtor fails to provide that all of the disposable income in the commitment period will be applied to plan payments pursuant to 11 U.S.C. Section 1325(b)(1)(B). Debtor reduces her estimated business income by personal expenses.
3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:
-
4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

WHEREFORE, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: August 02, 2023

/s/ Shannon Morgan

Shannon Morgan
Attorney for the Chapter 13 Trustee,
Angela M. Scolforo
P. O. Box 2103
Charlottesville, VA 22902
Ph: 434-817-9913
Email: ch13staff@cvillech13.net

CERTIFICATE OF SERVICE

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on August 02, 2023.

/s/ Shannon Morgan

Shannon Morgan
Attorney for the Chapter 13 Trustee,
Angela M. Scolforo
P. O. Box 2103
Charlottesville, VA 22902
Ph: 434-817-9913
Email: ch13staff@cvillech13.net